

EXHIBIT 3

(Testimony of Dr. Charles V. Clopton)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RHONDA JONES, ET AL,)
)
 PLAINTIFF,)
) DOCKET NO. 1:20-CV-02791-JPB-CCB
 -VS-)
) VOLUME 1 OF 2
 VICTOR HILL, ET AL,)
)
 DEFENDANT.)

**TRANSCRIPT OF PRELIMINARY INJUNCTION PROCEEDINGS
BEFORE THE HONORABLE J.P. BOULEE
UNITED STATES DISTRICT JUDGE
DECEMBER 8, 2020**

APPEARANCES:

ON BEHALF OF THE PLAINTIFFS:

SARAH H. GERAGHTY, ESQ.
STEPHEN L. PEVAR, ESQ. (VIA ZOOM)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION

JOSEPH LOVELAND, ESQ.
KING & SPALDING, LLP.

JEREMY D. CUTTING, ESQ.
SOUTHERN CENTER FOR HUMAN RIGHTS

NICK BARBER - ALSO PRESENT

ON BEHALF OF THE DEFENDANTS:

JACK R. HANCOCK, ESQ.
ARASH A. SABZEVARI, ESQ.
JANEEN SMITH, ESQ.
FREEMAN, MATHIS & GARY, LLP.

PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
ATLANTA, GEORGIA

1 THE WITNESS: Charles Clopton, Jr.

2 COURTROOM DEPUTY CLERK: Thank you, sir. Lower your
3 hand.

4 THE COURT: All right. Doctor, what we're going to do
5 is just in the interest of time, since she just sprayed everything
6 up there, we're just going to have you testify standing up here
7 for the first few minutes until you see things have dried off and
8 you're comfortable sitting down, if that's all right. Over the
9 course of a day and a dozen witnesses, that saves us an hour's
10 time.

11 Go ahead, counsel.

12

13 _____
CHARLES CLOPTON, JR.

14 a witness herein, being first duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. SABZEVARI:

18 Q. Dr. Clopton, thank you so much for being here with us today.
19 I know you're a front-line worker, and I'm sure you're on call,
20 but we'll try to be as quick as possible with your testimony.

21 Sir, could you please tell the Court where you are employed.

22 A. At the Clayton County Jail.

23 Q. For whom are you employed with?

24 A. CorrectHealth.

25 Q. And what is your title at the Clayton County Jail as an

1 employee of CorrectHealth?

2 **A.** I'm the medical director for the Clayton County Jail via
3 CorrectHealth.

4 **Q.** How long have you held that position, sir?

5 **A.** It would be one year in January, but I've been there two
6 years.

7 **Q.** So it's safe to say that you were there before the COVID-19
8 pandemic, sir?

9 **A.** Yes.

10 **Q.** Could you please tell us a little bit about your educational
11 background.

12 **A.** Well, I attended Emory for college, Morehouse School of
13 Medicine for medical school. I did a year of pathology at the
14 University of South Alabama at Mobile. Came back home to Atlanta,
15 which is my home, and did a family practice residency program
16 through Morehouse School of Medicine.

17 **Q.** How long have you been practicing medicine, sir?

18 **A.** Since 1998. I finished medical school in 1994.

19 **Q.** Could you please briefly educate the Court on your work
20 experience.

21 **A.** I've done some type of correctional medicine since I was chief
22 resident with the Morehouse Family Practice Center. I started out
23 at the Lorenzo Benn Detention Center in Southwest Atlanta, which
24 is probably closed now. But as soon as I finished and went into
25 private practice, I started working at the Fulton County Jail. I

1 was there for a few years as the medical director. And I was at
2 the DeKalb County Jail for five years.

3 In between that time I've also worked at the Bibb County Jail
4 for CorrectHealth, the Morrow County Jail for CorrectHealth, the
5 Bartow County Jail for CorrectHealth, Douglas County Jail for
6 CorrectHealth, Floyd County Jail, Bibb County Jail in Macon, Henry
7 County jail in McDonough. So I've done corrections most of my
8 career. Correctional medicine, that is.

9 **Q.** Do you recall setting forth your educational background and
10 your professional experience in detail in your declaration, sir?

11 **A.** Yes.

12 **Q.** That is in the record for the Court's convenience, and I'll
13 just move along in the interest of time.

14 Sir, in your experience working in the correctional setting,
15 have you had experience with anything quite like this COVID-19
16 pandemic which is unprecedented in my lifetime?

17 **A.** Nothing like COVID-19. SARS, COVID-2, we have had some issues
18 with H1N1, West Nile virus but not to the extent of this novel,
19 new disease.

20 **Q.** Sir, before we talk about COVID-19, I neglected to ask you,
21 what are your job duties and responsibilities as medical director
22 at the Clayton County Jail?

23 **A.** Well, I'm responsible for all aspects of medical care. With
24 that said, I'm also hands-on, I see patients every day. I round
25 in the infirmary, which is the hospital inside the jail. And I

1 also see people for emergency reasons, whatever that might be,
2 lacerations, dislocations, high blood pressure, high sugars,
3 diabetes, different type of infections.

4 I also run the chronic care clinic where I take care of all of
5 our chronic patients that have a caveat of chronic medical
6 problems, hypertension, diabetes, heart disease, seizures, asthma,
7 any chronic medical problem. Those people are seen every 90 days,
8 so I do that. So I see patients every day there, generally six or
9 seven days a week.

10 **Q.** Does CorrectHealth provide medical care at the Clayton County
11 Jail 24 hours a day, 7 days a week?

12 **A.** That is correct.

13 **Q.** So that is around-the-clock medical care at the Clayton County
14 Jail?

15 **A.** Yes, sir.

16 **Q.** In dealing with the COVID-19 pandemic, did you familiarize
17 yourself with the Centers for Disease Control COVID-19 guidelines
18 for correctional institutions?

19 **A.** Yes, sir.

20 **Q.** You cited to some in your declaration, sir, and I'm going to
21 read some of them into the record.

22 In paragraph 11 of your declaration you state: The CDC
23 testing guidelines explicitly state that CDC is a non-regulatory
24 agency and that the information in the CDC testing guidelines is
25 meant to assist rather than establish regulatory requirements.

1 The CDC testing guidelines further provide that, and I'm
2 quoting from the CDC guidelines themselves, implementation should
3 be guided by what is feasible, practical and acceptable and should
4 be tailored to the needs of each facility.

5 Do you remember putting that in your declaration, sir?

6 **A.** Yes, I do.

7 **Q.** Do you remember reading that from the CDC guidelines?

8 **A.** Yes, I do.

9 **Q.** What does that mean to you, sir?

10 **A.** Well, given the fact that the jail is primarily there to
11 provide a place for people that have been accused of committing
12 crimes to be housed until they are sentenced or set free, it is
13 not the primary goal to provide some type of care for this type of
14 novel, first-time ever in a generation type of pathology. And so
15 realtime we're learning every day, particularly early on in March,
16 April and May, how to even deal with the disease process in this
17 type of environment. So we had to realtime make adjustments on
18 the fly to provide adequate care for these patients that
19 potentially could contract the disease.

20 **Q.** Has CorrectHealth along with yourself as medical director
21 implemented protocols and procedures to combat the spread of
22 COVID-19 at the Clayton County Jail?

23 **A.** Yes, we did.

24 **Q.** And in doing so, sir, did you consider the CDC guidelines that
25 you reference in your declaration?

1 **A.** That's primarily the gold standard for us to follow.

2 **Q.** Do you continually stay educated and informed on literature
3 and education materials with respect to COVID-19, COVID-19
4 recommendations?

5 **A.** Yes, I do. I make sure that I stay abreast of it really
6 daily. And there have been some latest guidelines that changed
7 like December the 3rd. So this has been an ongoing, protracted
8 type of process where they're making adjustments. Initially it
9 was all the time and it's kind of slowed down a little bit now.
10 But as of October to, I think, December 3rd was the latest
11 adjustment to the guidelines.

12 **Q.** Sir, we are now in the last month of December. When did this
13 COVID-19 pandemic begin, if you know?

14 **A.** Well, there's some debate about it, okay, but I know that what
15 we did at Clayton County was the first day that we found out that
16 a patient in Atlanta had been diagnosed with it. We had a meeting
17 the very next day with all department heads, all medical staff,
18 all Sheriff people. This was late February, early March. I don't
19 remember the exact date, but we had a meeting to get ready for the
20 run-up for this potential problem that will be coming to us.

21 So the exact day I do not know, but I do know that we were
22 very proactive about anticipating the potential pandemic, epidemic
23 that would be coming to Atlanta and the rest of the nation.

24 **Q.** Since that day, sir, and now being in December, has the
25 guidance and information that you've been reviewing changed

C E R T I F I C A T E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

I do hereby certify that the foregoing pages are a true and correct transcript of the proceedings taken down by me in the case aforesaid.

This the 21st day of December, 2020.

Penny Pritty Coudriet



PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER